

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

KENNETH UPCHURCH )  
Plaintiff, )  
v. ) Civil No. 3:24-cv-0213  
TIMOTHY DEE DODD and )  
THE ROBERTSON COMPANY, LLC )  
Defendants. )

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**JOINT MOTION TO DISMISS PLAINTIFF'S CLAIM FOR PUNITIVE DAMAGES  
WITHOUT PREJUDICE**

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COMES NOW Plaintiff Kenneth Upchurch (“Plaintiff”) and Defendants Timothy Dee Dodd (“Mr. Dodd”) and the Robertson Company, LLC (“Robertson Company”) (herein collectively referred to as “Parties”), by and through this Joint Motion to Dismiss Plaintiff’s Claim for Punitive Damages Without Prejudice, to collectively seek dismissal Plaintiff’s punitive damage claim arising out of an incident occurring on or about February 14, 2023, of which is the subject of this lawsuit. Following the completion of party depositions, Parties, by and through counsel, agreed that there are no facts present to support Plaintiff’s claim for punitive damages in this case at this time.

WHEREFORE, Parties jointly and respectfully move the Court for an order dismissing Plaintiff’s claim for punitive damages without prejudice.

Respectfully submitted,

/s/ J. Logan Punch

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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Notice of Removal was filed electronically. Notice of this filing will be served on the following counsel of record via the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served via regular U.S. mail and/or email.

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*Counsel for Plaintiff*

This the 11<sup>th</sup> day of April 2025.

/s/ J. Logan Punch